

## **REMARKS/ARGUMENTS**

### **Claim Amendments**

The Applicant has amended claim 9. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-9 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **Claim Rejections – 35 U.S.C. § 103 (a)**

Claims 1, 6 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rainey, et al in view of Chapman, et al., newly cited reference. The Applicant respectfully traverses the rejection of these claims.

Rainey is cited for sending an incoming call alert to a called device (col. 6, lines 10-21). The Rainey reference appears to disclose automatic message accounting that stores actual call routing set-up at the time of a call being answered by a called subscriber station. The set-up is packaged in a data field of a message that is then sent upstream through the actual call routes. However, the Rainey reference does not send a partial Call Data Record to the exchange of the network prior to receiving a call answer message, as claimed in claims 1, 6 and 9 of the Applicant's invention.

The Chapman reference is cited for teaching "prior for a terminating call to reach a terminating telephone a partial call data record is placed in a local store containing less call data than a complete connection call data record." The Applicant respectfully disagrees with the characterization of the cited Applicant's limitation. The actual limitation is "prior to receiving a call answer message at the exchange, outputting from the exchange to said data storage system a partial Call Data Record containing less call information than a normal Call Data Record." In other words, prior to receiving notification at the exchange the exchange sends a partial CDR to a data storage system. In the case of the Applicant's invention, the MSC sends the partial CDR to an external billing system during the call setup phase; prior to receiving the call answer message from the called party.

The Applicant has reviewed the cited portion of Chapman. Chapman discloses a call via a LEC that is transferred to an originating switch. As soon as the call is received by the network, the call is assigned a unique call tag which is transmitted along the routing path of the call from the originating switch to the destination switch via all the intermediate switches. The call tag includes off-hook time for the call, terminating switch ID, port number of the switch, and sequence of the call. The call, or network event, and the records generated by passage of the call through the switches in the network are processed by real time processors to output as complete a record of each event within a determined period of the call termination. The records are processed after all the records are retrieved and in Chapman there is no suggestion that the exchange switch transmits a partial CDR prior to receiving a call answer message. In the case of an incomplete event record this record is sent to "deferred" event processing (Col 3, lines 1-21).

The Applicant respectfully submits that Chapman fails to disclose an exchange sending a partial Call Data Record prior to receiving a call answer message from the called party (page 8, lines 19-26). Chapman and Rainey lack the recited limitation in the Applicant's claim 1. The Applicant respectfully requests the withdrawal of the rejection of claim 1.

Independent claims 6 and 9 contain limitations analogous to those limitations in claim 1 and the Applicant respectfully requests the withdrawal of the rejection of these claims. Therefore, withdrawal of this ground of rejection is respectfully requested.

Claims 2 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rainey, et al in view of Chapman, et al as applied to claims 1 and 6 above and in further view of Amin et al.

The Amin reference appears to disclose providing a wireless (cellular telephone) subscriber with the capability of changing the assignment of the party that pays for a call. Amin was cited for teaching a cellular network with billing features. It is respectfully submitted that Amin does not address the above-identified deficiencies of Rainey and Chapman with respect to the Applicants' invention. The combination of the Rainey,

Chapman and Amin references fails to teach or suggest outputting a partial CDR from the exchange prior to receiving a call answer message at the exchange. The allowance of claims 2 and 8 is respectfully requested.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rainey, et al in view of Chapman, et al and Amin et al as applied to claims 1 and 2 above and in further view of Plush et al, and Vaziri et al. The Applicant respectfully traverses the rejection of this claim.

The Vaziri reference appears to disclose a server that generates billing records. Vaziri is cited for generating a partial billing record that contains a telephone number. The cited portion of Vaziri does indicate generating a partial billing record. However, the billing record is completed and provided to the billing server at the end of the transaction. "At the end of the transaction, the ISB adds the duration (of the call) to the partial billing record to produce a complete billing record, which is provided to the billing server at the beginning of the next transaction. (Para. 158) However, Vaziri does not teach or suggest outputting a partial CDR from the exchange prior to receiving a call answer message at the exchange.

The Plush reference seems to disclose a billing method and apparatus for a cellular system, which includes a GSM network. In particular, the GSM network with the MSC is suggested as the elements missing from the other references and the MSC is from which the CDR is output. However, Plush does not teach or suggest the element missing from Rainey, Chapman, Amin and Vaziri, which is that of sending a partial CDR prior to receiving a call answer message at the exchange. In addition, Applicant submits that there is no suggestion or motivation in Rainey, Chapman, Amin or Plush to combine the references to teach the claimed invention. The allowance of claim 3 is respectfully requested.

The Applicant respectfully submits that the combination of the above five references appears to be improper. It appears that the Examiner has combined features of Rainey, Chapman, Amin, Plush and Vaziri to arrive at the individual elements of claim 3. The Applicant submits that phrases have been taken from the

various references and combined using Applicant's disclosure as a blueprint without any teaching or suggestion in the references themselves.

The case law forbids this type of combination by requiring that there must be evidence that a skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed. It is also clear that a rejection cannot be predicated on the mere identification of individual components of claimed limitations. Rather, particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed. *Ecolochem Inc. v. Southern California Edison*, 56 USPQ2d 1065, 1076 (Fed. Cir. 2000).

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rainey, et al in view of Chapman, et al., newly cited reference as applied to claim 1 above and in further view of Bushnell.

The Bushnell reference is cited for outputting from the exchange the callers number. However, the Applicant respectfully submits that Bushnell fails to teach or suggest outputting a partial CDR from the exchange prior to receiving a call answer message at the exchange. This being the case, the Applicant respectfully requests the withdrawal of the rejection of this claim.

Claims 5 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rainey, et al in view of Chapman, et al., newly cited reference as applied to claims 1 and 6 above and in further view of Buscher et al and Vaziri et al, newly cited reference.

The Chapman reference is cited to supply the missing element of outputting a Call Data Record (CDR) to an external billing system. The applicant respectfully suggests that the Chapman reference lacks the missing element as noted in the discussion of claims 1, 6 and 9. 3. The Applicant respectfully requests the withdrawal of the rejection of these claims.

### CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sidney L. Weatherford", written in a cursive style.

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